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AFFIRMATIVE ACTION PLAN

AAP

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Adopted by the Boston Redevelopment Authority Board on July 16, 1987

STATEMENT OF POLICY

The Boston Redevelopment Authority (hereinafter referred to as the "Authority") affirms its sincere commitment to the principles of affirmative action, non-discrimination, and equal employment opportunity. It is our firm belief that any employment decision, policy or program, regardless of intent, which through its design, implementation or impact limits the full utilization of qualified individuals diminishes the integrity of the Authority.

A policy of non-discrimination by itself, however, is not sufficient to erase the effects of past employment practices. In addition to vigilance over activities aimed at the elimination of discriminatory barriers to employment, the Boston Redevelopment Authority will undertake positive measures (affirmative action) to ensure equal opportunity to minorities, women, disabled persons and Vietnam-era veterans. The goal is to achieve the equitable participation of minorities, women, handicapped persons and Vietnam-era veterans in all job categories. The Authority's goals are:

1 **Minorities**—workforce employment comparable to their population within the City of Boston.

2 **Women**
Disabled persons
Vietnam-era veterans—municipal workforce employment comparable to their participation within the workforce.

In fulfilling his part in this effort, the Director has created an Affirmative Action Office within the Human Resource Division of the Authority to develop, monitor, and regulate the Authority's Affirmative Action Program. The mandate is to implement equitable remedies, within the context of existing law, and to eradicate the consequences of past employment patterns.

DEFINITIONS

AAP:	Affirmative Action Plan.
Affirmative Action:	A demonstrated commitment to the recognition, development and utilization of the abilities of minorities, women, disabled persons and Vietnam-era veterans. It is a *process* to achieve the purpose of anti-discrimination laws.
Affirmative Action Plan:	A written document outlining those steps to be taken to bring about affirmative action. The execution of the Plan will assure measurable yearly improvements in hiring, training and promotions for minorities and women and develop an employment program for Vietnam-era veterans and disabled employees. It is a result-oriented program designed to achieve equal employment opportunity rather than simply a policy to assure anti-discrimination.
Artificial Barrier:	A requirement placed on a job or on an individual's performance within the job which is neither job related nor consistent with merit principles.

Candidate for Employment: An individual who has applied for and has been interviewed for a Boston Redevelopment Authority job posting.

Complaint: A pleading by which a legal action is commenced under Federal or State courts or administrative agencies. The complainant applies to the courts or agencies for legal redress.

Equal Employment Opportunity: An employer's posture that all personnel activities will be conducted in a manner to assure equal opportunity for all. Such activities will be based solely on individual merit.

Goals: A numerical objective, fixed realistically, based on the number of vacancies expected and the number of qualified applicants available to the job market or employment area.

Grievance: As used in this Plan, the filing of allegations with the Affirmative Action Grievance Office with the purpose of addressing a harassing or discriminatory situation in an expeditious manner.

Disabled Person: Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such impairment.

Job Related: Aspects of a job which are essential to the performance of the specific tasks.

Black: All persons having origins in any of the Black racial groups of Africa.

Hispanic: All persons of Puerto Rican, Dominican, Cuban, Mexican, Central or South American or other Spanish culture or origin, regardless of race.

Asian: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

Native American: All persons having origins in any of the original peoples of North America excluding Mexico, and who maintain cultural identification through tribal affiliations or community recognition.

Parity: Equality. The ultimate goal of affirmative action programming is to achieve parity in the participation of women in the BRA comparable to their participation within the general workforce and for minorities based on their population statistics within Boston. The goal is for representation in every job category and at every level within the workforce.

Protected Groups: Legally identified groups that are specifically protected by the statute against employment discrimination. For the purpose of this Plan it includes minorities, women, disabled persons and Vietnam-era veterans.

Qualified Disabled Person: A disabled person who is capable of performing essential functions of a particular job, or who would be capable of performing the essential functions of a particular job with reasonable accommodation.

Reasonable Accommodation: The changing of environments or schedules, or the requirement to adapt to the known physical or mental limitations of a qualified disabled applicant or employee. The accommodation may include, but not be limited to, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, or other similar actions.

Timetables: The time frame (in years) set for attaining measurable GOALS in an affirmative action program.

Under-Utilization: Having minorities, women, disabled persons or Vietnam-era veterans in a particular job classification less than would be reasonably expected by their availability in the workforce or recruitment area.

Utilization Analysis: The enumeration and examination of the presence of protected group members employed by the Authority.

Vietnam-Era Veteran: A person who has served on active duty for a period of more than 180 days, any part of which occurred between February 1, 1955 and August 4, 1964: and 90 days, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released with other than a dishonorable discharge.

Workforce Analysis: A detailed listing (by specific categories) of job classifications and levels by department or other organizational unit.

AFFIRMATIVE ACTION OBJECTIVES AND PURPOSE

The Boston Redevelopment Authority acknowledges that employment opportunities will be provided through affirmative action to all present and prospective employees regardless of race, sex, disabled or Vietnam-era veteran status. This affirmative action policy applies to all personnel actions including, but not limited to, recruitment, hiring, compensation, promotions, demotions, transfers, terminations, recall from lay-offs, and educational programs of the Authority.

In adopting an Affirmative Action Program, the Boston Redevelopment Authority objectives are to outline and implement procedures to effectively maximize the utilization of the human resources available to the Authority and to achieve parity within the workforce for protected groups. The Authority's affirmative action efforts will include recruitment, training, and promotions.

Workforce Analysis
Analyze the BRA's workforce to establish a quantifiable baseline standard to measure the BRA's Affirmative Action efforts.

Goals and Timetables
Establish annual and long-term goals for the hiring and promotion of women, minorities, disabled persons and Vietnam-era veterans at all levels.

Recruitment and Employment
Develop recruitment and employment programs designed to support affirmative action goals.

Internal Review and Reporting Systems
Develop an internal reporting, monitoring, and oversight procedure to achieve compliance with goals and timetables and employment programs.

Dissemination of Policy

Develop a process to disseminate the Authority's Affirmative Action Policy and Plan.

Anti-Harassment Policy

Develop and implement an anti-harassment policy which is aimed at preventing the creation of barriers to employment within the Authority's workforce.

Grievances

Establish an expeditious grievance process to handle employee allegations of violations of this plan or violations of the anti-harassment policy.

A The Director

The Director is responsible for the overall administration of the Affirmative Action Plan (AAP). Among the responsibilities of the Director will be to provide policy direction so that affirmative action exists and equal employment opportunity is assured. Moreover, the Director will administratively support the goals of affirmative action so that employment, training and promotional objectives are met. To that end, assistant directors, division heads, and supervisory personnel will be held accountable for compliance with and the achievement of department affirmative action goals and timetables.

B Affirmative Action Office

The Affirmative Action Office is responsible for the review, implementation and administration of the AAP. The head of the Affirmative Action Office reports directly to the Director. Among the responsibilities of the Affirmative Action Office are to:

1. Oversee and coordinate the preparation, dissemination, implementation, revision, and monitoring of the Boston Redevelopment Authority Affirmative Action Plan and Programs.
2. Work with assistant directors, division heads and supervisors to:
   - a Assess individual divisions' compliance with affirmative action goals.
   - b Develop programs to maximize opportunities for minorities, women, disabled persons, and Vietnam-era veterans.
   - c Monitor and enforce affirmative action goals.
   - d Resolve discrimination and harassment grievances filed with the Affirmative Action Office.

3 Develop a mechanism to monitor hiring decisions to ensure that a policy of non-discrimination is faithfully implemented.

4 Work with the Director of Human Resources to:
   a Analyze all steps of the recruitment and selection process to ensure that artificial barriers do not exist in hiring, training, and promoting protected groups.
   b Prepare impact studies when reduction in force actions are contemplated.
   c Oversee the implementation of the Affirmative Action Program.
   d Develop recruitment plans to remedy the underutilization of minorities, women, disabled persons, and Vietnam-era veterans.

5 Prepare quarterly status reports for the Director and the City of Boston Office of Affirmative Action (January, April, July and October) on hiring, promotions and terminations with the Authority.

6 Develop an employee and applicant grievance mechanism to resolve allegations of discrimination/harassment in hiring, firing, promotion, demotion, layoff or training, and denial of reasonable accommodation for qualified disabled employees.

7 Assist in the development of employee orientation programs in the area of affirmative action, equal employment opportunity, and racial/sexual and disability-related harassment.

8 Serve as the Authority's liaison with the City of Boston Office of Affirmative Action which has review capacities over the Authority's equal employment/affirmative action practices.

9 Disseminate to the Authority's supervisory personnel significant developments in affirmative action and equal employment laws, policies, regulations, court decisions, and rulings.

10 Publish an annual status report of the Authority's progress in affirmative action hiring, promotions, and training.

11 Develop regular communication channels with training programs and minority, women, disabled persons, and veterans' organizations to assure that employment opportunities are disseminated.

12 Maintain a resume bank as a resource for the Authority's recruitment efforts.

C Director of Human Resources

The Director of Human Resources plays an integral part in ensuring that the Authority's personnel policies are and remain non-discriminatory in design, impact and implementation. The Director of Human Resources sets the tone for the Authority in encouraging equal employment opportunities for employees and applicants. The Director of Human Resources is responsible to:

1 Ensure the job-relatedness of the Authority's personnel policies.

2 Identify occupational categories and salary levels where the under-utilization of minorities, women, disabled persons, and Vietnam-era veterans is documented.

3 Establish and conduct a recruitment program to assure equal employment opportunity for protected groups.

4 Work closely with assistant directors, division heads, and the Affirmative Action Office to establish goals and timetables to increase the utilization of protected groups in their divisions.

5 Maintain all central personnel records in a manner consistent with applicable employment practices, laws and regulations, and with the requirements of this plan.

6 On an ongoing basis review the Authority's classification system and procedures, benefit packages, leave policies, training, and career development policies to ensure that all practices conform with current legal and regulatory requirements and the provisions of this plan.

D Management

The success of the Authority's affirmative action efforts depends on the support of each department head. Individuals entrusted with hiring and supervisory functions have a key responsibility in gaining support for affirmative action by acquainting their employees with the goals and objectives of the program, discussing affirmative action with a positive attitude, and by showing concern that the Authority's affirmative action program succeeds.

Assistant directors shall have direct responsibility for the implementation of the Authority's Affirmative Action Plan. Progress toward achieving affirmative action goals will be reviewed quarterly (January, April, July and October) by the Affirmative Action Office. Assistant directors shall be held accountable by the Director for the achievement of the department's affirmative action goals. Affirmative Action performance shall be included in the Director's internal management performance evaluations.

Supervisory Personnel will:

1 Implement the Department's Affirmative Action Program.

2 In conjunction with the Director of Human Resources, develop comprehensive recruitment, interviewing, hiring, promotion, discipline, and termination policies to be applied uniformly throughout the Authority.

3 Attend an annual AA/EEO training program developed, sponsored or approved by the Affirmative Action Office.

E Employees

Authority employees are responsible for:

1 Demonstrating sensitivity to and respect for individual and personal differences when working with other employees and with the public.

2 Making suggestions for strengthening their division's affirmative action programs.

MONITORING AND REPORTING OF GOALS & TIMETABLES

Prior to August 1 of each year the Affirmative Action Office will submit a utilization analysis with goals and timetables for addressing the short-term under-representation of minorities and women where shown. Similar utilization analysis will be provided for disabled persons and Vietnam-era veterans when goals are adopted. The utilization analysis will contain a present workforce analysis, a projected one-year employment needs, a percentage utilization analysis and the delineation of projected annual goals for hiring and promotions. The percentages developed should represent a minimum level of achievement and not the ultimate target, and should not be considered quotas which restrict employment by setting an actual number of people to be hired.

The Affirmative Action Office will monitor records of hiring, promotions, transfers, and terminations at all levels in the Authority to ensure that a policy of non-discrimination is being faithfully implemented. The Affirmative Action Office will conduct a quarterly review of affirmative action employment data as a method of monitoring the Authority's progress toward its goals. At the end of each calendar year, an annual report will be developed of the Authority's affirmative action program.

The Affirmative Action Office will meet regularly with the Director of Human Resources to review numerical and programmatic accomplishments of each division and to make recommendations for strengthening and revising the Authority's programs. On August 1 and February 1 of each year, recommendations will be submitted to the Director for his consideration.

AFFIRMATIVE ACTION PROGRAM SUPPORT

The successful achievement of a non-discriminatory employment program requires maximum cooperation. Each department of the Authority is responsible for compliance with affirmative action goals. Affirmative action program supports ensure that sufficient resources are available in the pursuit of recruiting, hiring, retaining, and promoting minority, women, disabled and Vietnam-era veteran employees. The program supports also ensure that affirmative action goals are pursued with diligence.

A Dissemination of Policy

To secure support for the Authority's Affirmative Action Program, the following actions shall be taken:

Internal

- A copy of the Authority's Affirmative Action Plan shall be made available to every employee and the City of Boston's Office of Affirmative Action.
- The Affirmative Action Office will work with the Director of Human Resources and the City of Boston's Office of Affirmative Action to provide affirmative action training to all department and division heads and supervisory personnel. Supervisory personnel shall be required to attend at least one training annually.
- The Affirmative Action Office will develop a pamphlet which includes the Authority's Affirmative Action Policy, Discrimination and Anti-Harassment Policies, Grievance Procedures, and Reasonable Accommodation Policy.
- The Affirmative Action Office will maintain and update Affirmative Action/Equal Employment Opportunity bulletin boards.

External

- The Director of Human Resources and the Affirmative Action Office will inform recruiting sources of the Authority's Affirmative Action policies.
- On recruitment brochures, publications and advertise-

ments, the Authority will include the clause "An Equal Opportunity/Affirmative Action Employer."

B Recruitment

To assist in identifying and recruiting minorities, women, disabled persons, and Vietnam-era veterans for employment with the Authority, the following actions shall be taken:

- The Director of Human Resources and the Affirmative Action Office will develop a recruitment program to work closely with outside agencies and organizations to recruit protected group members.
- The Director of Human Resources and the Affirmative Action Office will disseminate information on job opportunities and work closely with job placement counselors, job developers, high schools, and training agencies to ensure a flow of trained employment candidates.
- The Affirmative Action Office and Human Resources Division will participate in "career days," job fairs, high school programs, and college activities to recruit protected group members.

C Selection Criteria

To ensure that the selection process is job related and to eliminate artificial barriers to equal employment opportunity, the following actions will be taken:

- The Human Resources Division will review and evaluate all phases of the personnel selection process (application/forms, types of test, routing procedures, job qualifications, etc.) to ensure that artificial barriers are eliminated.
- The Affirmative Action Office will disseminate questions to avoid asking in interviews, which may have a discriminatory impact.
- In conjunction with the City of Boston's Commission on Handicapped Affairs, the Affirmative Action Office will review all medical standards and application forms to ensure that they are job related and do not present artificial barriers.

D Training/Upward Mobility

To aid in the preparation of minority, women, disabled persons and Vietnam-era veteran employees to meet the Authority's specialized human resource needs and to prepare the promotional path for protected groups, the following actions shall be taken:

- The Affirmative Action Office working with each department will include within its AAP a promotion projection for protected group employees.
- The Affirmative Action Office will work toward developing internal, identifiable employee promotional ladders.
- The Authority will develop partnerships with area colleges to assist employees with access to career development programs.

E Employment Programs for Disabled Persons

The Human Resources Division is responsible for administering policies which affect the employment opportunities of disabled persons. The objective is to ensure full consideration and maximum participation of all disabled persons in the workforce. Qualified disabled persons will be assured equal opportunity for employment. Disabled candidates shall be considered qualified for employment if, with reasonable accommodation, they can perform the essential job duties.

To ensure equal employment opportunities for disabled persons, the following actions shall be taken:

- The Affirmative Action Office will work closely with the City's Commission on Handicapped Affairs to develop policies intended to facilitate employment opportunities for disabled persons.
- The Affirmative Action Office will develop guidelines and procedures for implementing a reasonable accommodation policy.

ANTI-HARASSMENT POLICY

Activities which prevent the Boston Redevelopment Authority from achieving its affirmative action goals are contrary to the Authority's policies. Therefore, sexual, racial, or disability-related harassment will not be tolerated among employees of the Boston Redevelopment Authority. Swift and appropriate action will be taken to eliminate all vestiges of sexual, racial, and disability-related harassment in the workplace.

POLICY

1 Sexual Harassment

Definition

Conduct which constitutes sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

2 Racial Harassment

Definition

Words, actions or other verbal, written or physical conduct which are offensive because of their racial connotation, prejudice, stereotyping or bigotry constitutes racial harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

3 Disability-Related Harassment

Definition

Harassment on the basis of an individual's disability is a violation of the Authority's Affirmative Action Plan. Conduct which ridicules, scorns, mocks, intimidates, threatens, or coerces any individual due to his/her physical or mental disability or which has the effect of unreasonably interfering with the work performance or creating an offensive environment will be considered disability-related harassment.

4 Notice

a Supervisory personnel are responsible for ensuring that conduct between fellow employees does not rise to the level of sexual, racial, or disability-related harassment. Supervisory personnel will be held responsible for conduct which is known or should have been known to have created or could create sexual, racial, or disability-related harassment whether perpetrated by an employee or a third party (regardless of control), unless immediate and appropriate corrective action has been taken.

b Supervisory personnel must take all steps necessary to prevent sexual, racial, or disability-related harassment from occurring. Such steps include trouble-shooting within their department, expressing strong disapproval for harassment or developing appropriate corrective action.

5 Procedure

a Employees may either notify the immediate supervisor, division heads or the Authority's Grievance Officer of any incident which creates the basis for sexual, racial, or disability-related harassment.

b When supervisory personnel are notified of incidents which create or would tend to create sexual, racial, or disability-related harassment, they have a responsibility to notify the Affirmative Action Office.

c Employment opportunities or benefits may not be denied to a complaining employee in retaliation for submitting or participating in the resolution of a grievance. All retaliation will be dealt with as a new offense.

d The Uniform Grievance Procedures of this Affirmative Action Plan will be used as the problem solving procedure.

6 Investigation

a Harassment grievances will be handled expeditiously.

b All inquiries of harassment will be kept confidential by the Affirmative Action Office.

c Gathering of data and written statements shall be handled by the Affirmative Action Office.

d After receiving a harassment grievance, the Grievance Officer of the Affirmative Action Office shall contact the division head. Thereafter, an interview will be held in order to resolve the matter expeditiously.

e Within 10 days, the Grievance Officer will present the facts of the case and recommend resolutions to the Grievance Council.

f The Grievance Council will make the Authority's final decision about the resolution.

7 Remedies

a Appropriate remedies, using progressive disciplinary procedures, will be used against the harasser and/or appropriate supervisory personnel.

b Disciplinary action will be applied on a case by case basis.

c This policy will not infringe upon rights guaranteed in the constitution, laws or regulations of the Commonwealth of Massachusetts or of the government of the United States.

8 Filing of Discrimination Grievances

a The filing of a harassment grievance with the Authority's Affirmative Action Office pursuant to this Plan and Policy is not the same as filing a discrimination complaint.

b Through the grievance process the Affirmative Action Office and the Grievance Council do not attempt to make findings or conclusions of law. Instead, the grievance procedure attempts only to mediate problems in an expeditious manner.

c The filing of a discrimination complaint may be made through State or Federal agencies empowered to enforce anti-discrimination laws or with State or Federal courts.

1 Purpose

The uniform procedure is designed to facilitate a prompt and expeditious internal review and a fair and equitable resolution of grievances alleging violation of the affirmative action plan based on minority group status, sex, disability or Vietnam-era veteran status. In addition, the grievance procedure will be utilized to resolve sexual, racial, and disability-related harassment cases and grievances alleging age discrimination. Employees of the Authority and applicants for Authority employment have the right to file a grievance in writing on any action, procedure, or practice in the selection or employment process which they believe to be in violation of the affirmative action plan, which constitutes sexual, racial, or disability-related harassment, or which is in retaliation for having filed a discrimination or harassment grievance.

2 Coverage

The uniform procedures only cover grievances alleging:

a violation of the Authority's affirmative action plan;

b instances of sexual, racial, or disability-related harassment; and

c age discrimination (employees covered by the Federal Age Discrimination in Employment Act of 1967, as amended).

The grievance procedure shall be available to applicants and all Authority employees except those who have utilized another City, State or Federal grievance, complaint or appeal process to resolve issues attempted to be raised under this procedure.

Nothing in this procedure shall restrict the right of an employee or applicant to file a complaint with any City, State or Federal agency responsible for the enforcement of anti-discrimination laws. The filing of a grievance with the Affirmative Action Office is not the same as filing a discrimination complaint with an appropriate forum. The filing of a grievance with the Affirmative Action Office is a quick method to resolve disputes without the necessity of litigation. A dispute filed as a complaint with an agency empowered to enforce anti-discrimination laws, on the other hand, is adjudicated under specified laws, regulations and procedures with the purpose of determining legal responsibility for acts.

Employees who feel they have been discriminated against have 180 days from the date which the alleged discrimination occurred to file a complaint with the Massachusetts Commission Against Discrimination and/or the Equal Employment Opportunity Commission. Their offices are located at:

Massachusetts Commission Against Discrimination
One Ashburton Place
Room 601
Boston, MA 02108
Telephone Number: 727-3990

Equal Employment Opportunity Commission
J.F.K. Federal Building
Room 409B
Boston, MA 02203
Telephone Number: 565-3200

Division heads and supervisory personnel shall make every effort to allow the grievant sufficient time (with pay) to meet with the Affirmative Action Office through the investigatory stage.

Retaliatory action shall not be taken against any employee who files a grievance or participates in the resolution of a grievance.

The Grievance Officer of the Affirmative Action Office will serve the role of Ombudsman. The Ombudsman will remain a neutral party rather than represent either side. The Affirmative Action Office shall be available to supervisory personnel and employees for counsel and advice.

The Grievance Council will review and approve recommendations made by the Grievance Officer as to the resolutions of grievances. The Director will appoint three (3) members to serve on the Grievance Council for a period of one year along with an ex-officio member from the office of the Chief General Counsel.

The Authority's Affirmative Action Office has reporting responsibility to the City of Boston's Office of Affirmative Action.

4 Procedure

The Grievance Procedure provides the individual an opportunity to present to an impartial party, issues regarding violation of the Affirmative Action Plan, harassment or age discrimination. The Affirmative Action Office will provide division heads and employees advice and counsel regarding appropriate remedies which may be used. The grievant controls whether the issues raised are investigated or whether the conference is solely for advice and consultation.

No action will be taken by the Affirmative Action Office without a signed grievance form. If the employee wishes merely to inform the division head about the violation or harassment or the potential for such while keeping his/her identity confidential, the Affirmative Action Office, at its discretion, will assist the grievant by speaking informally with the division head.

Filing Grievance

a If the employee wishes the Affirmative Action Office to investigate and intervene on his/her behalf, a signed form which includes the following information must be filed:

1 Name, address, home, and work telephone number, and Authority division.
2 The basis of the alleged violation of the Affirmative Action Plan.
3 Dates of alleged violation of the Affirmative Action Plan; practice(s), procedure(s), or incident(s).
4 The names of any persons alleged to be responsible for the violation of the Affirmative Action Plan.
5 Whether any disciplinary action has been taken against the grievant within 6 months before the alleged incident.
6 Whether a complaint has been filed on this or similar issues in another forum or agency entrusted with enforcing anti-discrimination laws.
7 A statement of what remedy the grievant is seeking as a result of the filing.

b After a written grievance is submitted, the Affirmative Action Office will request from the immediate supervisor and/or the party alleged with violation of the Affirmative Action Plan a written statement answering the allegations. The response shall be returned to the Affirmative Action Office within five (5) working days of receipt.

c The Affirmative Action Office shall arrange interviews with the affected parties.

d Within ten (10) days after interviews have been conducted, the Grievance Office shall meet with the Grievance Council to recommend resolutions to the grievance.

e Use of the grievance process does not preclude the grievant from filing a complaint with the appropriate federal or state agency.